

### REMARKS

Claim 1 is amended. The amendment finds support in the specification and drawings as originally filed. No new matter is added.

Claims 1-3 are rejected under 35 U.S.C. §103(a) as being unpatentable over Vaccaro (US 5,131,418) in view of Bauer (US 2,687, 134). Applicant traverses the rejection to the extent that it can be maintained.

Applicant's invention provides a brush to facilitate combing and disentangling hair strands. According to amended claim 1, the combing unit comprises spaced apart comb plates having auxiliary combing members alternately disposed with the plates and aligned with the plates in the longitudinal direction. The auxiliary combing members have a plurality of ribs aligned in a transverse direction relative to the longitudinal direction and the top portion of two adjacent ribs angle away from each other in the longitudinal direction and define a V-shaped groove therebetween.

Vaccaro, '418, provides a comb for precision cutting of hair to a specific length that has pedestal stand-off elements such as flat sided protrusions integrated with the sides of the teeth and extending perpendicularly from the longitudinal plane of the teeth. The pedestal stand-off elements provide a convenient means to vary the distance of the comb teeth from the scalp. The pedestal elements maintain the teeth of the comb a predetermined distance from the scalp, and enable a scissors to be placed on the teeth to cut hair at a predetermined length (column 1 line 58 to column 2 line 17 and figure 4). The pedestal elements are separated from each other in the longitudinal direction by about an inch (column 4 line 17). The pedestal elements clearly are not alternately disposed with the combing plates (teeth) as recited in claim 1.

Bauer, '134, does not remedy the deficiencies in the teaching of Vaccaro. The Bauer comb is similar in purpose to the Vaccaro comb in that it provides a convenient means to control the length of cut hair by providing a controlled spacing between the scalp and the teeth of the comb (column 1 lines 1-23, column 2 lines 23-30). The Office Action states that Bauer provides a plurality of auxiliary combing members (18), each having a plurality of ribs aligned in a transverse direction relative to the longitudinal direction of the body. Further, the Office Action states that each of the ribs has a top portion, and the top portions of each adjacent pair angle away from each other to form a V-shaped groove therebetween.

Claim 1 recites that the ribs of the auxiliary combing members are transverse relative to the longitudinal direction. Adjacent ribs angle away from each other in the longitudinal direction thereby defining a V-shaped groove therebetween. The long vertical teeth (18) (auxiliary combing members) of Bauer are not alternately disposed with the combing plates, rather they are disposed relatively widely apart on the lower edge of a back piece (14 and fig 1, column 2 lines 1-10). The auxiliary teeth (24) of the Bauer comb are all formed on one side of the auxiliary comb member (18). The auxiliary teeth project upwardly and are aligned vertically (figs. 2 and 4). A V-shaped groove is formed between upwardly projecting auxiliary teeth. The groove is not defined by angling the auxiliary teeth away from each other in a longitudinal direction.

Applicant respectfully submits that there is no motivation to combine the teachings of the Vaccaro and Bauer patents, and if combined, do not teach or suggest Applicant's invention as claimed. The Vaccaro comb has pedestal stand-off elements (auxiliary combing members) protruding from the sides of teeth and extending perpendicularly from the longitudinal plane of the teeth. The Bauer comb has long vertical teeth (auxiliary combing members) mounted on a back member opposite to the comb teeth. The references, alone or in combination, do not teach or suggest auxiliary members alternately disposed with the combing plate (teeth). Combining Bauer with Vaccaro simply provides a comb having side facing stand-off elements with auxiliary teeth aligned along the length of the element. Since the auxiliary combing members of both Vaccaro and Bauer are intended to provide a means to precision cut the length of hair, there is no purpose served by the combination. Further, if combined, the combination does not result in the auxiliary teeth angling away from each other in a longitudinal direction.

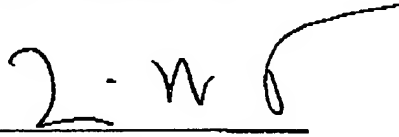
As the combination of Vaccaro and Bauer fails to teach all of the elements of claim 1, Applicant respectfully submits that claim 1 is allowable and requests that the rejection be withdrawn. As claims 2-3 depend directly or indirectly from claim 1, these claims are likewise allowable.

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution

of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

28 September 2005  
Date

  
Brian H. Batzli  
Reg. No. 32,960  
MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
Telephone: (612) 336.4755  
E-mail: bbatzli@merchant-gould.com